

SUBJECT: <b>Weapons</b>	NUMBER: 1-19.02
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: ADM.06.01	APPROVED: Sheriff

## **I. POLICY**

As long as innocent citizens are victims of violent crime and violent suspects confront police officers, it remains necessary that law enforcement officers be properly armed for the protection of society and themselves. It shall be the policy of the Valencia County Sheriff's Office that all deputies` will be provided with a firearm and trained in its use so that they may adequately provide this necessary responsibility.

## **II. DEFINITIONS**

### **A. Exempt Personnel**

Exempt personnel are sworn personnel assigned to undercover, however not necessarily plain clothes assignments.

### **B. On-Duty**

Scheduled working hours or overtime assignment. (A paid status).

### **C. Off-Duty**

All time not considered on-duty.

### **D. Back-Up Weapon**

That weapon carried in addition to your primary duty weapon, must be concealed.

## **III. RULES AND PROCEDURES**

### **A. Authorized Firearms-Handguns**

#### **1. Requirements**

- a) The Valencia County Sheriff's Office will provide all newly hired deputies with an agency issued Glock Model 22 .40 caliber handgun for duty use. The agency issued handgun will be carried until their 1<sup>st</sup> anniversary of date of hire.

- b) Agency weapons may not be altered from factory specifications in any way without written permission from the Sheriff.
- c) Sworn personnel having been employed for more than one year, or lateral hires who are certified law enforcement at the time of hire, and have at least one year of law enforcement experience may request from the Sheriff permission to carry a personally owned semi-automatic weapon chambered in any of the following calibers: 9mm .357 sig, .40 caliber or .45 caliber.
- d) Barrel lengths of personally owned weapons must meet the following:
- e) Uniformed personnel: not less than 4 inches, and no more than 6 inches.
- f) Plainclothes personnel: not less than 3 inches, and not more than 6 inches.
- g) **NO WEAPON CARRIED WHILE ON-DUTY MAY HAVE A TRIGGER PULL OF LESS THAN 3 LBS AS DETERMINED BY THE ARMORER.**
- h) Personnel requesting and receiving authorization to carry a personally owned weapon will utilize that weapon while on-duty, during all qualifications, and during all training until they have informed the Sheriff, in writing, they will no longer be carrying the personally owned weapon.
- i) **Personnel will only be authorized (1) personally owned weapon at a time, unless the weapon is of the same manufacture and system type. i.e. Glock model 27, 23, and 22. Subsequent authorization will supersede current authorization**
- j) Personnel choosing to carry a personally owned weapon shall turn in their agency issued Glock to the agency Armorer.
- k) Personnel choosing to carry a personally owned weapon must provide all leather gear, i.e. holster and magazine pouches.
- l) All weapons carried on on-duty are subject to inspection.

## 2. Personally Owned Duty Handgun Approval Process

Personnel wishing to carry a personally owned firearm will make a request in writing through the chain of command to the Sheriff. The request, if approved will be forwarded to the range master, who will schedule a transition course.

## 3. Exempt Personnel Will:

- a) Make a request in writing, through their chain of command to the Sheriff prior to carrying an alternate weapon that may fit their undercover needs, that is not covered by this SOP, as a primary duty weapon.
- b) Complete the same procedures as outlined in “PERSONALLY OWNED DUTY HANDGUN APPROVAL PROCESS”.

## 4. Back-Up Weapons

- a) Sworn deputies may carry a personally owned handgun on his person while in uniform to use in any unforeseen emergency circumstances. The handgun must be of quality manufacture and chambered for pistol ammunition.

- b) Prior to carrying the firearm the deputy must have the weapon inspected by the agency armorer. Once inspected and approved by the agency armorer, the deputy must request and receive approval in writing, from the Sheriff to carry the firearm.
- c) The deputy must qualify each year on the back-up qualification course.

#### 5. Authorized Handguns For Off Duty Use

- a) Sworn deputies may carry the agency issued Glock pistol or a personally owned firearm while off duty.
- b) Sworn deputies are permitted to be armed at all times while off duty in compliance with applicable law. Carrying of a weapon while off duty is discretionary, however:
  - i. Failure to have a weapon will not relieve sworn personnel of their responsibility to take proper law enforcement action in any matter coming to their attention.
  - ii. Sworn personnel may carry firearms into establishments serving liquor only when responding to a call, during a lunch or coffee break, or on other official assignment.
  - iii. Sworn personnel in civilian attire, who are armed while off duty, shall carry such weapons concealed from public view.
  - iv. Sworn personnel working within their assigned areas of the Sheriff's Office, or their offices are considered not to be in public view.

#### 6. Authorized Ammunition

- a) The only ammunition that deputies may carry in their handguns and magazines is that which is issued by the agency.
- b) Ammunition carried in off-duty, backup weapons or personally owned duty hand guns, approved by the Sheriff and range master must be factory manufactured (Remington, Federal or Winchester) semi-jacketed or jacketed, that is approved by the Sheriff or his designee.

### B. Shotguns

#### 1. Requirements

- a) Sworn deputies may carry agency issued shotguns in their patrol vehicle and must be responsible for:
  - i. Keeping the shotgun in a safe and working condition.
  - ii. Qualifying with the shotgun bi-annually. Failure to maintain qualification will result in the loss of authorization to carry the shotgun.
  - iii. Deputies are responsible for the safety of the shotgun.

- b) Deputies may carry a personally owned shotgun with written permission through the chain of command from the Sheriff. The personally owned shotgun must be inspected by the agency armorer.

## 2. Shotgun Ammunition

- a) Agency issued 00 buckshot is the standard load for shotguns. Loads of any other type may be used when the situation dictates. When timeliness is not of utmost importance, supervisory approval should be sought when deploying other than 00 buckshot.
- b) The shotgun will be carried in the cruiser safe mode (magazine full, chamber empty) while in the patrol vehicle.

## 3. Conditions of Carry

Members may carry an agency authorized shotgun in their duty vehicles as follows:

- a) Weapons must be secured in a gun-lock, or in the trunk. The weapon must be in a soft or hard case, if secured in the trunk of the vehicle.
- b) At no time will a deputy leave any weapon unattended while unsecured.
- c) All weapons will be kept secured in the trunk when the deputy is off-duty and the police vehicle is unattended.
- d) The weapon will be maintained in the "half load" condition.

## C. Urban Rifles

Sworn deputies may be issued an agency urban rifle, or may purchase their own rifle for use in the performance of their duties.

### 1. Requirements

- a) Semi-automatic .223 caliber urban rifles may be carried on-duty under the following conditions:
- b) The rifle will be an AR-15 type.
- c) The urban rifle must be capable of holding a minimum of 20 rounds and a maximum of 30 rounds of ammunition and shall have a barrel length of no less than 16 inches, and no more than 20 inches.
- d) The urban rifle shall have fixed iron sights, full length or telescoping stocks.
- e) The urban rifle may be equipped with a flashlight mount.
- f) The urban rifle must be equipped with a sling.
- g) The urban rifle may be equipped with an optical sight of the red dot type.
- h) Telescopes are NOT allowed.
- i) If the rifle is personally owned it must be inspected by the agency armorer and approved by the Sheriff.

- j) Deputies must attend the urban rifle training and pass the urban rifle qualification shoot.
- k) Deputies who are authorized to carry an urban rifle must qualify with the weapon in day qualification shoots on an annual basis and shall attend all mandated urban rifle training.
- l) Failure to maintain qualification will result in the loss of the authorization to carry the urban rifle.

## 2. Conditions Of Carry

Members may carry an agency authorized urban rifle in their duty vehicles as follows:

- e) Weapons must be secured in a gun-lock, or in the trunk. The weapon must be in a soft or hard case, if secured in the trunk of the vehicle.
- f) At no time will a deputy leave any weapon unattended while unsecured.
- g) All weapons will be kept secured in the trunk when the deputy is off-duty and the agency vehicle is unattended.
- h) The weapon will be maintained in the “half load” condition, with the dust cover in place.

## 3. Authorized Ammunition

The Valencia County Sheriff’s Office will furnish duty, training, and qualification ammunition for issued firearms. Only duty ammunition will be furnished for approved personally owned firearms.

Authorized duty ammunition for the urban rifle is limited to the following:

- a) Must be manufactured by Remington, Federal or Winchester.
- b) Must be new .223 caliber 55-grain soft point ammunition.
- c) A minimum of two fully loaded magazines must be carried in the deputy’s duty vehicle.

## D. Firearms Training

1. Members of this agency who will use any issued/authorized firearm as part of their duties shall receive basic firearms training as prescribed by the New Mexico Law Enforcement Academy, and complete an initial qualification as prescribed by the NMLEA. Members will be issued and instructed on all agency policies pertaining to firearms and use of force before they will be authorized to carry a firearm.
2. The agency may increase NMLEA standards for basic certification and/or design in-service firearms training for members of the agency as prescribed by the Sheriff.

## E. Qualification

1. All sworn members of the agency as well as court security officers, and prisoner transport officers who carry a firearm shall be required to remain qualified as stipulated by the NMLEA and the Valencia County Sheriff's Office.
2. The course of fire for handgun qualification shall be set and approved by the Valencia County Sheriff's Office or the NMLEA. The minimum standard for qualification is 80%.
3. The course of fire for urban rifle, and shotgun qualification shall be set and approved by the Valencia County Sheriff's Office or NMLEA.
4. All firearms will be inspected by the agency range officer prior to qualification.
5. Employees who fail to qualify with their duty handgun, after two (2) attempts will be given remedial training in an attempt to correct the deficiency and qualify. After failure subsequent to remedial training, employees shall be placed on office assignment (not to exceed seven (7) days) and scheduled for re-training with the firearm. If the employee fails to qualify after re-training, he/she may be terminated.
6. Deputies who have been on extended leave and were unable to attend the scheduled firearms qualification shall qualify before returning to active duty.

#### F. Range

1. Four basic firearms rules:
  - a) RULE 1: All guns are always loaded
  - b) RULE 2: Never cover anything with the muzzle you are not willing to destroy.
  - c) RULE 3: Keep your finger off the trigger until your sights are aligned and you have made the decision to fire.
  - d) RULE 4: Be sure of your target, and what is behind it.
2. Range Procedures
  - a) Range and safety officer(s) instructors have complete authority of personnel while at the range facility and are specifically charged to enforce safe range operations.
  - b) Only deputies, employees of the agency, and personnel authorized by the range master will be allowed on the premises of the range facility.
  - c) Other than the range officer(s) and safety officer(s) no one will be allowed on the line unless they are shooting.
  - d) Any weapon found to be unsafe will not be allowed on the range.
  - e) All weapons will be cleaned prior to use on the range.

- f) If there is a malfunction of a weapon that cannot be cleared by the deputy, the shooter will raise their non-weapon hand, and advise the range officer.
- g) All loading of ammunition will be done from the carrying device used on duty unless otherwise instructed by the range officer.
- h) All ammunition, other than range ammunition, will be inspected by the Range Officer.
- i) All weapons will be loaded and unloaded in the designated area.
- j) All weapons will be treated as loaded weapons at all times.
- k) Both ear and eye protection will be worn while shooting.
- l) All weapons will be kept in a holster or carrying device when not on the firing line.
- m) While on the firing line, all weapons will be safely pointed down range.
- n) Shooters will only move from position to position when given the command to do so.
- o) Infraction(s) of the range rules will be cause for immediate disqualification and removal from the range.

#### G. Use Of Firearms

1. Any use of a firearm by members of the Valencia County Sheriff's Office shall be in compliance with all policy and procedures identified in the Use of Force section of this manual. Members are to routinely review and adhere to rules and regulations pertaining to Deadly Force and Limitations of Force of this manual.
2. Armed personnel of this agency may draw and display an authorized firearm during the course of an arrest or investigation only when it is deemed necessary for the safety of the deputy or another. Personnel may be required to articulate the need for the drawing and display of a firearm at any time.
3. When a firearm is drawn or displayed, it shall not be cocked unless it is a semi-automatic pistol and is of the type that is normally carried locked and cocked.
4. No firearm will be unnecessarily drawn or displayed nor shall they be handled in a careless manner.
5. Deputies shall not draw, display, load, or unload a firearm in the Sheriff's facility except when ordered by a supervisor, or when an emergency exists in the building.
6. Shotguns shall be loaded and unloaded outside the Sheriff's facility with the barrel pointed upward or in an otherwise safe position. Shotguns will be transported in and out of the building unloaded with the action locked open except when otherwise ordered by a supervisor or when an emergency exists therein.

7. Deputies shall maintain firearms clean, lubricated, and in a safe working condition at all times. No alterations will be made to duty firearms without permission from the Sheriff.
8. All firearms will be carried in authorized gear, holsters, or locked in racks installed in police vehicles. If the police vehicle does not have a locking shotgun rack, deputies will maintain the shotgun locked in the vehicle trunk when not utilized. Deputies are responsible for the security of all weapons on or off duty.
9. All firearms will be fully loaded when utilized on duty. All required magazines will be maintained at capacity while on duty.
10. Shotguns will only be utilized as a tactical necessity consistent with training standards and in compliance with other provisions of this manual. A live round shall be placed in the chamber immediately upon removing it from the vehicle. The shotgun will be made safe before re-placement in the police vehicle.

#### H. Members To Be Armed

1. Sworn members of the agency shall be armed at all times while on duty except when granted permission by a supervisor, or when law or decorum prohibits.
2. Sworn members are permitted to be armed at all times in accordance with state statutes.
3. Carrying a firearm or any issued weapon off duty is discretionary. When a firearm or issued weapon is carried off duty, it shall be concealed. Uncertified deputies shall not carry an issued weapon off duty or represent themselves as a law enforcement officer/employee of the Valencia County Sheriff's Office while off duty and are otherwise legally armed with a firearm. Failure to have a firearm or weapon will not relieve the deputy of his/her responsibilities for taking appropriate action. However, the deputy must weigh the circumstances entirely and take action based on available resources.

#### I. Discharge Of Firearm

1. The discharge of a firearm by a deputy in the performance of any police function shall be reported to any on duty supervisor and/or the Sheriff immediately. This includes any discharge (accidental, negligent or intentional) occurring on duty or off duty. The only exception is the discharge of a firearm at an approved range facility during qualification, sporting activity, or training.
2. The reporting of any incident involving the discharge of a firearm as described will be in compliance with rules and regulations identified in the Reporting Use of Force policy of this manual.



## J. Less Than Lethal Equipment

### 1. ASP Baton

- a) Deputies are not approved to carry an ASP until successful completion a course of training under the direction of a qualified, agency approved instructor.
- b) Deputies who have been authorized to carry an ASP baton shall be required to attend a training session biennially. This training will be documented by the instructor and turned over to the Professional Standards Division for documentation.

### 2. Chemical Spray

- a) No deputy shall be issued or authorized to carry or use chemical spray until the deputy has successfully completed a course of training under the direction of a qualified, agency approved instructor.
- b) Deputies who have been authorized to carry chemical spray shall be required to attend a training session biennially. This training will be documented by the instructor and turned over to the Professional Standards Division for documentation.

### 3. Electronic Control Device (Taser)

- a) No deputy shall be issued or authorized to carry or use a Taser until the deputy has successfully completed a course of training under the direction of a qualified, agency approved instructor.
- b) Deputies who have been authorized to carry a Taser shall be required to attend training to meet the manufacture training requirements to maintain the certification. This training will be documented by the instructor and turned over to Professional Standards Division for documentation.

### 4. Bean Bag Shotgun

- a) No deputy shall be issued or authorized to carry or use a Bean bag shotgun until the deputy has successfully completed a course of training under the direction of a qualified, agency approved instructor.
- b) Deputies who have been authorized to carry a Bean bag shotgun shall be required to attend a training session biennially. This training will be documented by the instructor and turned over to the Professional Standards Division for documentation.